



DEPARTMENT OF
INTELLECTUAL AND
DEVELOPMENTAL DISABILITIES

CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENT FOR COMMITTEES AND COUNCILS

Membership on a committee/council overseen by the State of Tennessee Department of Intellectual and Developmental Disabilities (DIDD) is a position of public trust, and it is the expectation that conflicts of interest be avoided to ensure this trust is not compromised. As such, every member must refrain from participating in any activity, either in a private or official capacity, where a conflict of interest may exist, including associations or interests that could affect the member's ability to perform his or her responsibilities to the committee/council.

Conflict of interest refers to instances in which a committee/council member is in a position of trust and gives, or is in the position to give, preferential treatment to someone and/or attempts to influence public decisions in exchange for personal gain and in a manner which actually or potentially compromises the public interest. A conflict of interest may be direct or indirect and include, but not be limited to, bribery, embezzlement, extortion, and family relationship.

- a. **Bribery** refers to when a person offers, confers, or agrees to confer any pecuniary benefit upon a committee/council member with the intent to influence the member's vote, opinion, judgement, exercise of discretion, or other action in the member's official capacity. Bribery also refers to when a committee/council member solicits, accepts, or agrees to accept any pecuniary benefit upon agreement or understanding that the member's vote, opinion, judgement, exercise of discretion, or other action as a committee/council member will thereby be influenced.
- b. **Embezzlement** refers to when a person, with the requisite intent to deprive, takes or obtains property or merely exercises control over the property without the owner's consent.
- c. **Extortion** refers to when a person uses coercion upon another person with the intent to obtain property, services, any advantage or immunity; unlawfully restrict another's freedom of action; or in an effort to obtain something of value for any entity, impair the entity from the free exercise or enjoyment of any right or privilege secured by the United States Constitution, Constitution of Tennessee, or the laws of the state.
- d. **Family relationship** refers to the committee/council member's mother, father, grandmother, grandfather, sister, brother, son, daughter, or spouse, whether the relationship is by blood, marriage, or adoption, which could potentially impact or be impacted by the participation of the member on a committee or council.

Prohibited Action/Association: Committee/council members are prohibited from any action or association which might result in or create the appearance of:

- a. Using membership on a committee/council for private gain;
- b. Giving preferential treatment to any person, agency, or business;
- c. Impeding government efficiency or economy;
- d. Losing complete independence or impartiality;
- e. Making a committee/council decision outside of official channels;
- f. Affecting adversely the confidence of the public in the integrity of the government, including the committee upon which the individual serves;
- g. Entering into or deriving any benefit, directly or indirectly, from any contractual arrangement with DIDD or any other State agency, person, or business;
- h. Having a direct or indirect financial interest that conflicts, or appears to conflict, with his/her duties or responsibilities as a member of the committee/council;
- i. Using, disclosing, or allowing the use of official information which was obtained through or in connection with his or her service on the committee/council which has not been made available to the general public for the purpose of private interest or personal profit of any person, including that committee/council member;
- j. Engaging in a financial transaction as a result of or primarily relying upon information obtained through his or her service on the committee/council; or
- k. Using DIDD or State facilities, equipment, personnel, or supplies for private or personal use or profit.



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ACKNOWLEDGEMENT AND CERTIFICATION**

All committee/council members shall avoid known conflicts of interest, and to the extent a member becomes aware of a conflict of interest or potential conflict of interest in connection with any matter, he or she must immediately disclose the conflict to the DIDD employee responsible for overseeing the committee/council in writing and provide sufficient information for a determination to be made pursuant to the committee/council's guidelines as to whether a conflict of interest exists and/or impacts continued service on the committee or necessitate recusal from discussions and voting on a specific matter. This disclosure extends to a member's family member's interest in any agency or business that provides intellectual or developmental disabilities services or supports and/or has a business relationship with DIDD or in some way could be impacted by or be subject to propriety gain by the member's service on the committee/council. In the absence of committee/council guidelines regarding conflict of interest, the decision as to whether a conflict of interest exists shall be made by the DIDD employee responsible for overseeing the committee/council and submitted for final approval to DIDD Office of General Counsel. All committee members shall uphold the ethical rules governing their professions, including complying with applicable licensing authority rules.

Furthermore, in respecting the privacy of persons supported, staff, volunteers, provider agencies, and DIDD, any information obtained as a committee/council member is deemed to be confidential pursuant to T.C.A. § 33-3-103 *et seq.* Professionalism, good judgement, and care shall be demonstrated to avoid unauthorized or inadvertent disclosures of confidential information. Unauthorized disclosure of confidential or privileged information is a serious violation of statutory law and may subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal. The adherence to confidentiality standards are intended to protect the committee members, as well as DIDD, because in extreme cases, a breach of confidentiality may result in personal liability. This confidentiality requirement is not intended to prevent disclosure where disclosure is required by law.

ACKNOWLEDGEMENT AND CERTIFICATION

I have read the foregoing Conflict of Interest and Confidentiality Statement presented above and hereby agree to the statements and guidelines contained therein. Furthermore, I affirm that I have not derived any personal profit or gain, directly or indirectly, by reason of my service on this committee/council, and if there is a change in circumstances, I will promptly provide notification as required herein.

COMMITTEE/COUNCIL MEMBER SIGNATURE

DATE

COMMITTEE/COUNCIL MEMBER PRINTED NAME

COMMITTEE/COUNCIL

Note: This statement must be signed at the time of appointment and renewed upon reappointment. For committees/councils without a specified tenure of service or appointment, the statement must be signed annually. No member shall be allowed to participate in any committee/council business until the statement is signed.